

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

JULY 25, 1997

(Published August 2, 1997,
in Finance and Commerce)

Council Chamber
Minneapolis, Minnesota
July 25, 1997 – 9:30 a.m.

President Cherryhomes in the Chair.

Present – Council Members Minn, Mead,
Scott, Schulstad, Herron, Rainville, Dziedzic,
Thurber, Biernat, Niland, McDonald, President
Cherryhomes.

Absent – Campbell.

Niland moved approval of the minutes of the
regular meeting of July 11, 1997. Seconded.

Adopted upon a voice vote.

Niland moved referral of petitions and
communications and reports of the City officers to
proper Council committees and departments.
Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

CLAIMS:

CITY CLERK (262929)

Anderson, Christopher Thomas; Agency Rent-
A-Car/Auto Damage Recoveries Inc; Arroyo,
Carol; Burnett, Cristin Renee; Canfield, Mary F/
Abbott-Northwestern Hosp; Cherry, Victoria;
Collis, George C DDS; Davis, Antonio S;
Dornsbach, Matt; Eltawely, Fatma M; Endean,
Mary; Frias, Maria J/sub State Farm Ins Co;
Gellatly, Michael J; Herzog, Susan; Hitchcock,
Dianne; Husney, Edward/Methodist Hospital;
Johnson, Thelma; Kaiser, John B; Kerkow, Rick;
Klancke, Shawn; Kline, Sandie I; Knox, Kelly &
Robert; Krasnow, Jay; Lally, Angie; Logan, Lynn
Marie; Millington, Stephanie; Ott, Gary & Atty
James L Berg; Pieh, Beatrice; Rausch, Doris M;
Ridley, Shannon J; Robinson, Daphne; Sanders,
Stanley & Julia M; Sells-Burgess, Tharris Joan;

Slayton, Andrea & Maurice; Van Nurden,
Candace Ann & Atty Daniel Bresnahan; Vander
Zanden-Marston, Sarah; Whittaker, Nay;
Winbauer, Mark.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (262930)

“Minnesota: Land of Lakes & Innovation”:
Apprv sponsor promotional publication of
Minnesota World Trade Ctr & Minnesota Dept
Trade & Economic Development, w/attach.

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (262931)

Plymouth Land (22nd Av & Vicksburg Lane,
Plymouth): Auth sale of commercial parcel, Lot
1, Blk 1, Parkers Lake N 5th Addn, Plymouth, to
Peter Andrea Company, & auth execute contracts;
pub hrg notice.

Community Rehabilitation Program:
Designate Powderhorn Community Council to
apply for prog funds on behalf of City & MCDA.

COORDINATOR—GRANTS & SPECIAL
PROJECTS (262932)

Livable Communities Demonstration Grant:
Direct staff submit appls to Met Council for
Augustana Village Proj & Park Place Proj.

Federal Enterprise Community (EC) Area:
Establish EC Governance Bd, w/map.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (262933)

Green Central School: Apprv use of Mpls
School’s “second 7.5 %” funds for kindergarten
tot lot, approp funds, w/attach.

NRP evaluation: Apprv use of Henn Cty
“second 7.5 %” funds; approp funds, w/attachs.

Community Partnership Study: Apprv use of Henn Cty "second 7.5%" funds for resident survey on impact of social service providers in Phillips & Elliot Park, approp funds, w/attachs.

Beltrami Neighborhood: Apprv First Step Action Plan, w/attachs, including Summary of Funding to date, Budget, Plan, Home Improvement & Home Buyer's Assistance programs guidelines.

Logan Park Neighborhood: Apprv First Step Action Plan, w/attached Summary of Funding to date, Budget & Plan.

INTERGOVERNMENTAL RELATIONS

(See Rep):

PUBLIC HOUSING AUTHORITY,
MINNEAPOLIS (262934)

Public Housing Resident Screening:
Comments of Public Hsg Auth, Mpls Advisory Committee on Drug & Alcohol Problems and Rep Karen Clark re proposed federal legislation re screening procedures re illegal use or pattern of use of controlled substances by hsg applicants.

PUBLIC SAFETY AND REGULATORY

SERVICES (See Rep):

CITY CLERK/SPECIAL PERMITS (262935)
Lyndale Av S, 2828 (Intermedia Arts)
fireworks.

HEALTH AND FAMILY SUPPORT
SERVICES (262936)

Community Outreach & Education re HIV:
Contr w/MN Aids Proj. 348-TOTS: Agrmt
w/Henn Cty.

INSPECTIONS DEPARTMENT (262937)
Examining Bd of Plasterers & Lathers: Apprv
appts & reappts.

INSPECTIONS DEPARTMENT (262938)
Raze Bldgs: Apprv razing 2200-02 4th Av S
& 2439 16th Av S.

LICENSES AND CONSUMER SERVICES
(262939)

Lics: Appls.

POLICE DEPARTMENT (262940)

Multi-Jurisdictional Narcotics Enforcement
Task Force: Submit grant appl.

Downtown Command Central Office: Amend
#1 to Contr #11105 w/Cambridge Apartments.

PUBLIC SAFETY AND REGULATORY

SERVICES and WAYS & MEANS/ BUDGET (See Rep):

COORDINATOR (262941)

1997-1999 MN Weed & Seed Funding:

Submit 3 appls for Central, Phillips & Near North
Neighborhoods.

HEALTH AND FAMILY SUPPORT
SERVICES (262942)

Comm Health Assessment Survey: Contract
w/Henn Cty.

INSPECTIONS DEPARTMENT (262943)

Compensatory Time: Apprv 150 hrs for James
Hildreth.

LICENSES AND CONSUMER SERVICES
(262944)

HUD Round IV Lead Reduction Grant:
Contract w/MVNA for .8 FTE Public Health
Nurse I.

POLICE DEPARTMENT (262945)

Hiring of Minority & Protected Classes:
Accept \$95,000 from State for hiring practices.

PURCHASING (262946)

Bids: OP #4638, accept low bid of Killmer
Electric Co, Inc for outdoor warning sirens.

TRANSPORTATION AND PUBLIC WORKS

PUBLIC WORKS AND ENGINEERING
(262947)

Flooding: Update report.

Bus Stops: Signing Program & Placements in
City.

STERN & ANDERSON, P.A. (262948)

Sprint PCS Grand Prix: Ltr re settlement
w/Dome Souvenirs Plus.

TRANSPORTATION AND PUBLIC WORKS

(See Rep):

PUBLIC WORKS AND ENGINEERING
(262949)

Reconstruction of TH 62 (from TH 121 to
Morgan Av S): Resl holding harmless State of MN
from actions arising from granting variance to
permit use of funds for TH proj w/plans apprvd
"after" contract has been awarded.

Reconstruction of E 50th St (from I-35W
bridge to Nicollet Av S): Resl resubmitting
variance request to MnDOT to permit
reconstruction at design speed less than 30 MPH.

Tree Removal on Private Property: Auth City
pay for tree removal & be reimbursed by
homeowner through five-yr assessment.

SENIOR OMBUDSMAN (262950)

Special Assessment Deferment: Apprv appl of
Iris Nicholson, 3315 E 39th St, for deferment of two
levies on property for residential paving & water
main assessment and water service line repair
assessment.

**TRANSPORTATION AND PUBLIC WORKS
and WAYS & MEANS/BUDGET**

(See Rep):

ESTIMATE AND TAXATION (262951)

Reallocation of Bond Funds: Apprv
reallocation and close out of projects; Apprv
approp adjustments.

**PUBLIC WORKS AND ENGINEERING
(262952)**

Overhead Signals (Cedar Av S at E 26th St &
at E 28th St): Execute agrmt w/Hennepin Cty to
install signal indications.

Overtime Pay: Auth Mike Drossel, District
Street Supervisor I at 4th District, be paid at
straight time hourly rate for 160 hrs of overtime
worked during 96/97 winter season.

ISTEA: Auth submit appls to Metropolitan
Council seeking federal funds & Auth commit
necessary local cash match, subj to project
selection for grant award.

PURCHASING (262953)

Bid: OP #4672, low bid mtg specs of Ron
Becker Olds-Dodge for used automobiles for
Equipment Services.

WAYS AND MEANS BUDGET:

ATTORNEY (262954)

No Fault/Underinsured/Uninsured Claims
Rep: 1st & 2nd Quarters, 1997

FINANCE DEPARTMENT (262955)

Re: Comprehensive Annual Financial Rep,
1996 refer to Petn. #262924.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (262956)

Settlements: Claims of Donald Kilbo, William
Williams & Fifteen Building Co.

CONVENTION CENTER (262957)

Satellite & Fiber-Optics Transmission Servs:
Agrmt w/Teleport Minnesota to provide servs at
Mpls Convention Ctr.

COORDINATOR (262958)

Sears Proj: Accept & execute grant agrmt
w/MN Dept of Trade & Economic Dev, issue grant
funds to MN Diversified Industries for Sears site
proj.

Program Management Servs: Contr w/ Epic
USA for program management assistance to SISP
& PEPP.

Information & Technology Servs Dept
Positions: Apprv new salary level for reclassified
positions of Chief Information Officer and

Director, Central Operations Management &
Administration.

**INFORMATION & TECHNOLOGY SERVICES
(262959)**

Utility Billing System: Amend contract with
Systems & Computer Technology (SCT) Utility
Systems, Inc. re software support services.

**NEIGHBORHOOD SERVICES
DEPARTMENT (262960)**

MN Workforce Ctr System: Grant agrmt
w/MN Dept of Economic Security & issue fund
avail notice to HIRED to staff workforce ctr.

Youth Employment Servs: Issue fund avail
notice to MN Dept of Economic Security to
provide workforce ctr servs.

Older Worker Servs: Agrmt w/MN Dept of
Economic Security to receive JTPA funds.

Curfew/Truancy Ctr: Extend lease at Holy
Rosary School facility.

PURCHASING (262961)

Bid: OP #4646, accept low bid of Final
Grade, Inc. for plaza landscaping at Mpls
Convention Ctr.

YOUTH COORDINATING BOARD (262962)

Little Earth Neighborhood Early Learning Ctr:
Release funds from Convention Ctr Sales Tax fund
to support architectural planning.

FAEGRE & BENSON LLP (262963)

MN Transitions Charter School: Lease,
Sublease Disbursing Agrmt and documents related
to financial assistance for Community Health &
Education Corp acquisition of school facilities at
2526 27th Av S.

ZONING AND PLANNING (See Rep):

CITY CLERK/SPECIAL PERMITS (262964)

3rd Av S, 3136 (Southside Neighborhood
Housing) waive full basement requirement;
University Av SE, 2720 (James Page) awning &
sign.

**HERITAGE PRESERVATION
COMMISSION (262965)**

Appeal Filed: Mike Jennings: Appeal filed
from decsn of HPC denying appl for awning
permit for District Brewpub, 430 N 1st Av,
w/Attachments.

**INSPECTIONS/BOARD OF ADJUSTMENT
(262966)**

Exceptions Filed: William Fritz: Appeal filed
from decsn denying appl for increase in fence
ht, 6045-47 Penn Av S; Kelly Heirigs: Appeal
filed from decn denying variation at 3844
Washburn Av.

**INSPECTIONS/ZONING
ADMINISTRATOR (262967)**

Transportation Management Plan: RSP
Architects Ltd: TMP for Caribou Coffee addn at
Lunds Food, 1450 W Lake St.

**PLANNING COMMISSION/DEPARTMENT
(262968)**

Vacations: MCDA: Petn to vacate part of
alley in blk bounded by E Lake St, 10th Av S, E
31st St & Elliot Av S; Steve Williams, for
Metrodome Texaco: Petn to vacate alley at 1221
Washington Av, w/Attachment.

Rezoning: Steve Williams, for Metrodome
Texaco: 253-12th Av S & 1114, 1118 & 1124-
3rd St S.

PLANNING COMMISSION:

**CATHOLIC CHARITIES/ARCHDIOCESE
OF ST PAUL & MPLS (262969)**

Permsn to vacate alley vic of 1011 14th Av N.

MOTIONS (See Rep):

ATTORNEY (262970)

Workers' Comp: Pmts to City employees
injured on the job.

FILED:

CITY CLERK/SPECIAL PERMITS (262971)

1st Av N, 617 (Downtown Council) pre-
concert party & fundraiser; 1st Av S betw 3rd &
6th Sts, also 4th & 5th Sts (Mill City Music
Festival Inc) music festival; 4th St S & Nicollet
Mall blk (Downtown Council) RibFest; 4th St N,
2025 (Sherlene Hall) ponies, carnival rides, games,
tents; 40th & 4th Av S west corner (Bishop Stanley
N Frazier) tent for revival; Broadway & NE
Quincy, 807 (Mpls Urban League) event to
promote education; Hennepin Av S, 3001 (Calhoun
Square) show movies on rooftop; Hennepin Av S
from Lagoon to Franklin Av (South Hennepin
Business Assn) sidewalk sale; Industrial Blvd, 451
(Viking Electric) canopy; Lyndale Av S, 3610
(Nordquist Sign) sign; Quincy St NE, 1300 (James
Page Brewing) picnic & live music; Quincy St NE,
1325 (Signart) message board.

MAYOR (262972)

RCI Entertainment (MN), Inc, dba Rick's
Cabaret: Stating reasons for not signing Council
action. (See PS&RS rep of 7/11/97)

**REPORTS OF
STANDING COMMITTEES**

The COMMUNITY DEVELOPMENT Committee
submitted the following reports:

Comm Dev – Your Committee recommends that
Powderhorn Community Council be designated to
apply, on behalf of the City and the Minneapolis
Community Development Agency (MCDA), to the
Minnesota Housing Finance Agency for \$240,000 of
Community Rehabilitation Program Funds, as set
forth in Petn No 262931. The funds will be used to
purchase six vacant lots from the Minneapolis
Community Development Agency and develop new
single family homes.

Your Committee further recommends that this action
be transmitted to the Board of Commissioners of the
MCDA.

Adopted. Yeas, 11; Nays, none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev – Your Committee recommends that
staff be directed to submit applications to the
Metropolitan Council for Livable Communities
Demonstration Project grant funds for the
Augustana Village Project and the Park Place
Project. The applications are due on August 8, 1997.
(Petr No 262932)

Your Committee further recommends passage of
the accompanying resolutions authorizing said
applications.

Adopted. Yeas, 11; Nays, none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-198

By Niland

**Authorizing application for the Livable
Communities Demonstration Program.**

Whereas, the City of Minneapolis (City) is a
participant in the Livable Communities Act's
Housing Incentives Program for 1997 as
determined by the Metropolitan Council, and is
therefore eligible to make application for funds

under the Livable Communities Demonstration Account; and

Whereas, the City has identified a proposed project, the Augustana Village Project, within the City that meets the Demonstration Account's purposes and criteria; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the contract agreements; and

Whereas, the City Council of Minneapolis, Minnesota agrees to act as legal sponsor for the projects contained in the Demonstration Account application submitted on August 7, 1997; Now, Therefore, Be It Resolved, that the City Coordinator is hereby authorized to apply to the Metropolitan Council for this funding on behalf of the City of Minneapolis and to execute such agreements as are necessary to implement the project on behalf of the applicant.

Adopted. Yeas, 11; Nays, none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-199

By Niland

Authorizing application for the Livable Communities Demonstration Program.

Whereas, the City of Minneapolis (City) is a participant in the Livable Communities Act's Housing Incentives Program for 1997 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Livable Communities Demonstration Account; and

Whereas, the City has identified a proposed project, the Park Place Project, within the City that meets the Demonstration Account's purposes and criteria; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the contract agreements; and

Whereas, the City Council of Minneapolis, Minnesota agrees to act as legal sponsor for the projects contained in the Demonstration Account application submitted on August 7, 1997;

Now, Therefore, Be It Resolved, that the City Coordinator is hereby authorized to apply to the Metropolitan Council for this funding on behalf of the City of Minneapolis and to execute such agreements as are necessary to implement the project on behalf of the applicant.

Adopted. Yeas, 11; Nays, none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev – Your Committee, having under consideration the designation of the City as a Federal Enterprise Community (EC) and receipt of grant funds to be used in the EC area, now recommends:

1. That an EC Governance Board be established to advise the City Council and the Mayor on all policy issues arising in the EC area relating to the area's Federal designation, as set forth more fully in Petition No 262932;

2. That the membership of the Board be as follows:

City Council Member;

Mayor or designee;

Community development representatives from EC neighborhoods (5);

Minneapolis Community Development Agency Director or designee;

City Coordinator or designee;

Planning Director or designee;

Neighborhood Revitalization Program Director or designee;

For profit sector representative;

Foundation community representative;

and that said Petition be amended to reflect this list; and

3. That staff be directed to assist with the nomination and selection process.

Adopted. Yeas, 11; Nays, none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev – Your Committee, having under consideration the promotional publication, “Minnesota: Land of Lakes and Innovation,” sponsored by the Minnesota World Trade Center Corporation and the Minnesota Department of Trade and Economic Development, now recommends that the City become a sponsor of said publication. (Petn No 262930)

Adopted. Yeas, 11; Nays, none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev – Your Committee recommends that the sale of Lot 1, Block 1, Parkers Lake North 5th Addition, Plymouth (a/k/a 22nd Av and Vicksburg Lane), to the Peter Andrea Company for \$500,000 upon the terms and conditions set forth in Petn No 262931 be approved;

Your Committee further recommends that the Executive Director of the Minneapolis Community Development Agency, as agent for the City of Minneapolis, and the proper City officers be authorized to execute all documents necessary for the sale and any necessary amendments that do not substantially change the terms of the purchase agreement.

Adopted. Yeas, 11; Nays, none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 28, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published July 29, 1997).

(Republished August 16, 1997).

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget – Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of the Minneapolis School District’s “second 7.5 %” NRP funds in the amount of \$27,081 to help pay for a kindergarten tot lot at Green Central School (Petn No 262933), now recommends:

1. That said use of School District NRP funds be approved;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$27,081;

3. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in said Plan; and

4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 11; Nays, none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-200

By Niland and Campbell

Amending The 1997 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$27,081 from projected fund balance.

Adopted. Yeas, 11; Nays, none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of Hennepin County’s “second 7.5 %” NRP funds in the amount of \$13,500 to help pay for the evaluation of the NRP program (Petn No 262933), now recommends:

1. That said use of Hennepin County NRP funds be approved;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$13,500;

3. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in said Plan; and

4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 11; Nays, none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-201
By Niland and Campbell

Amending The 1997 Minneapolis
Community Development Agency Appropriation
Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$13,500 from projected fund balance.

Adopted. Yeas, 11; Nays, none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your
Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of Hennepin County's "second 7.5%" NRP funds in the amount of \$5,000 to help pay for a Community Partnership Study surveying residents on the impact of social service providers in Phillips and Elliot Park (Petr No 262933), now recommends:

1. That said use of Hennepin County NRP funds be approved;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$5,000;

3. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in said Plan; and

4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas – Mead, Scott, Schulstad, Herron, Rainville, Dziedzic, Thurber, Biernat, Niland, McDonald.

Nays – Minn.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-202
By Niland and Campbell

Amending The 1997 Minneapolis
Community Development Agency Appropriation
Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$5,000 from projected fund balance.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas – Mead, Scott, Schulstad, Herron, Rainville, Dziedzic, Thurber, Biernat, Niland, McDonald.

Nays – Minn.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your
Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the Beltrami Neighborhood NRP First Step Plan (the Plan) in an amount not to exceed \$350,000, as set forth in Petr No 262933, now recommends:

1. That said Plan, and specifically those parts of the Plan which fall under City jurisdiction, be approved;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$350,000;

3. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in said Plan; and

4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 11; Nays, none.
Absent – Campbell, Cherryhomes.
Passed July 25, 1997.
Approved July 31, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 97R-203
By Niland and Campbell

Amending The 1997 Minneapolis
Community Development Agency Appropriation
Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$350,000 from projected fund balance.

Adopted. Yeas, 11; Nays, none.
Absent – Campbell, Cherryhomes.
Passed July 25, 1997. J. Cherryhomes,
President of Council.

Approved July 31, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the Logan Park Neighborhood NRP First Step Plan (the Plan) in an amount not to exceed \$349,950 as set forth in Petn No 262933, now recommends:

1. That said Plan, and specifically those parts of the Plan which fall under City jurisdiction, be approved;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$349,950

3. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in said Plan; and

4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 11; Nays, none.
Absent – Campbell, Cherryhomes.
Passed July 25, 1997.
Approved July 31, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-204
By Niland and Campbell

Amending The 1997 Minneapolis
Community Development Agency Appropriation
Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$349,950 from projected fund balance.

Adopted. Yeas, 11; Nays, none.
Absent – Campbell, Cherryhomes.
Passed July 25, 1997. J. Cherryhomes,
President of Council.

Approved July 31, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

The INTERGOVERNMENTAL
RELATIONS Committee submitted the following reports:

IGR – Your Committee, having under consideration proposed Amendment No. 1 to S. 462, the “Public Housing Reform and Responsibility Act of 1997”, which would allow public housing authorities to seek supplemental information through screening procedures regarding illegal use or pattern of use of controlled substances by housing applicants, now recommends that the issue of endorsing said legislation be forwarded without recommendation. Niland moved that the report be postponed. Seconded.

Adopted upon a voice vote.

IGR – Your Committee recommends passage of the accompanying resolution urging the Public Service Commission to keep the City in a single telephone area code.

RESOLUTION 97R-205
By Campbell and Dziedzic

Urging the Public Service Commission to
keep the City of Minneapolis in a single
telephone area code.

Whereas, the 612 area code is once again running out of telephone numbers, necessitating that the area code be divided; and

Whereas, one solution being proposed calls for the 612 area code to be divided into two area codes along the Mississippi River; and

Whereas, county lines, rather than the Mississippi River, are the primary dividing lines between the Minneapolis side of the metropolitan area and the St. Paul side of the metropolitan area; and

Whereas, the City of Minneapolis has telephone exchanges on both sides of the Mississippi River, reflecting its history originating in separate cities located on both sides of the Falls of St. Anthony, which were merged in 1872; and

Whereas, it is undesirable for the citizens and businesses of the East Side of Minneapolis, including the main campus of the University of Minnesota, to be located in a different area code from the rest of the populace of the City of Minneapolis; and

Whereas, this placement of the East Side of Minneapolis threatens to alienate the identity of Northeast Minneapolis and Southeast Minneapolis as integral communities within the City of Minneapolis, not only to outsiders but also to the residents themselves; and

Whereas, it is perfectly feasible for the City of Minneapolis to be contained within a single area code;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis: That the Public Service Commission be urged to contain the entire City of Minneapolis, including the telephone exchanges known as "Central" and "7th Avenue", within a single area code.

Be It Further Resolved that the Public Service Commission be urged to divide the 612 area code principally along the border used by U.S. West Communications in issuing its separate Minneapolis and St. Paul telephone directories.

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS – Your Committee, having under consideration the following applications for Sidewalk Cafe Permits, and having held public

hearings thereon, now recommends that said permits be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

a) Old Chicago of Colorado, Inc, dba Old Chicago, 508 1st Av N; and

b) Modern Cafe, Inc, dba Modern Cafe, 337 13th Av NE.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS– Your Committee, to whom was referred an Ordinance amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pawnbrokers, and having held a public hearing thereon, now recommends that said Ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described Ordinance.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 97-Or-064 amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to Licenses & Business Regulations: Pawnbrokers, amending Sections 324.100, 324.110 & 324.120 to comply with minimum requirements of Minnesota Statute 325J regarding required transaction information, transaction identifiers, and transaction term and rate information on customer receipts; and amending Section 324.190 to expand reasons to deny a license to include circumstances causing it to be impractical or impossible to conduct background or financial investigations due to unavailability of information, was passed July 25, 1997, by the City Council and approved January 31, 1997, by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 97-Or-064

By Biernat

Intro & 1st Reading: 6/27/97

Ref to: PS&RS

2nd Reading: 7/25/97

**Amending Title 13, Chapter 324 of the
Minneapolis Code of Ordinances relating to
Licenses and Business Regulations:
Pawnbrokers.**

The City Council of The City of Minneapolis
do ordain as follows:

Section 1. That Section 324.100 of the above-
entitled ordinance be amended to read as follows:

324.100. Records required. At the time of
any reportable transaction other than renewals,
extensions or redemptions, every licensee must
immediately record in English the following
information by using ink or other indelible medium
on forms or in a computerized record approved by
the police license inspector:

- (1) A complete and accurate description of
each item including, but not limited to,
any trademark, identification number,
serial number, model number, brand
name, or other identifying mark on such
an item.
- (2) The purchase price, amount of money
loaned upon, or pledged therefor.
- (3) The maturity date of the transaction and
the amount due, including monthly and
annual interest rates and all pawn fees and
charges.
- ~~(3)~~ (4) Date, time and place the item of
property was received by the licensee, and
the unique alpha and/or numeric
transaction identifier that distinguishes it
from all other transactions in the
licensee's records.
- ~~(4)~~ (5) Full name, residence address,
residence telephone number, date of birth
and accurate description of the person
from whom the item of the property was
received, including: sex, height, weight,
race, color of eyes and color of hair.
- ~~(5)~~ (6) The identification number and state of
issue from any of the following forms of
identification of the seller:
 - a. Current valid Minnesota driver's
license.
 - b. Current valid Minnesota
identification card.

c. Current valid photo identification card
issued by another state.

~~(6)~~ (7) The signature of the person identified
in the transaction.

~~(7)~~ (8) Effective sixty (60) days from the date
of notification by the police license
inspector of acceptable video
standards, but no sooner than April 1,
1996, the licensee must also take a
color photograph or color video
recording of:

- a. Each customer involved in a
billable transaction.
- b. Every item pawned or sold that
does not have a unique serial or
identification number permanently
engraved or affixed.

If a photograph is taken, it must be at least
two (2) inches in length by two (2) inches in width
and must be maintained in such a manner that the
photograph can be readily matched and correlated
with all other records of the transaction to which
they relate. Such photographs must be available to
the chief of police, or the chief's designee, upon
request. The major portion of the photograph must
include an identifiable front facial close-up of the
person who pawned or sold the item. Items
photographed must be accurately depicted. The
licensee must inform the person that he or she is
being photographed by displaying a sign of
sufficient size in a conspicuous place in the
premises. If a video photograph is taken, the video
camera must zoom in on the person pawning or
selling the item so as to include an identifiable
close-up of that person's face. Items photographed
by video must be accurately depicted. Video
photographs must be electronically referenced by
time and date so they can be readily matched and
correlated with all other records of the transaction
to which they relate. The licensee must inform the
person that he or she is being videotaped orally and
by displaying a sign of sufficient size in a
conspicuous place on the premises. The licensee
must keep the exposed videotape for three (3)
months.

(8) (9) Digitized photographs. Effective sixty
(60) days from the date of notification by
the police license inspector, but no sooner
than July 1, 1996, Class A licensees must,
and Class B licensees may, fulfill the
color photograph requirements in section
324.100 (7) (8) by submitting them as
digital images, in a format specified by
the issuing authority, electronically cross-

referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in subdivision ~~(7)~~ (8).

~~(9)~~ (10) *Renewals, extensions and redemptions.* For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.

~~(10)~~ (11) *Inspection of records.* The records must at all reasonable times be open to inspection by the police department or department of licenses and consumer services. Data entries shall be retained for at least three (3) years from the date of transaction. Entries of required digital images shall be retained a minimum of ninety (90) days.

Section 2. That Section 324.110 (b) (4) of the above-entitled ordinance be amended to read as follows:

324.110. Daily reports to police.

(b) Billable transaction fees. Licensees, regardless of class, will be charged for billable transactions at the current rate for the medium by which they were reported to the police department except:

- (4) If a Class A licensee, or a Class B licensee who has consistently reported via modem, is unable to capture, digitize or transmit the photographs required in section 324.100 (7) (8) and (8) (9), the licensee must immediately take all required photographs with a still camera, immediately develop the pictures, cross-reference the photographs to the correct transaction, and deliver them to the police department by twelve o'clock noon the next business day. Billable transactions will be charged at the modem rate for transactions through the close of the first business day following the failure, and at the manual rate for all subsequent billable transactions until the error is corrected.

Section 3. That Section 324.120 of the above-entitled ordinance be amended to read as follows:

324.120. Receipt required. Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a

duplicate of that receipt for three (3) years. The receipt must include at least the following information:

- (1) The name, address and telephone number of the licensed business.
- (2) The date and time the item was received by the licensee.
- (3) Whether the item was pawned or sold, or the nature of the transaction.
- (4) An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- (5) The signature or unique identifier of the licensee or employee that conducted the transaction.
- (6) The amount advanced or paid.
- (7) The monthly and annual interest rates, including all pawn fees and charges.
- ~~(6)~~ (8) The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.
- (9) The full name, residence address, residence telephone number, and date of birth of the pledger or seller.
- ~~(7) The annual rate of interest charged on items pawned or pledged.~~
- ~~(8) The name and address of the seller or pledger.~~
- ~~(9)~~ (10) The identification number and state of issue from any of the following forms of identification of the seller:
 - a. Current valid Minnesota driver's license.
 - b. Current valid Minnesota identification card.
 - c. Current valid photo driver's license or identification card issued by another state.
- (11) Description of the pledger or seller including approximate sex, height, weight, race, color of eyes and color of hair.
- (12) The signature of the pledger or seller.
- (13) All printed statements as required by State Statute 325J.04 subdivision 2, or any other applicable statutes.

Section 4. That Section 324.190 of the above-entitled ordinance be amended by adding thereto a new subdivision (4), as follows, and renumbering the remaining subdivisions in numerical sequence to read as follows:

324.190. Denial, suspension or revocation.

Any license under this chapter may be denied, suspended or revoked for one or more of the following reasons:

(4) The applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.

~~(4)~~ (5) Fraud, misrepresentation or bribery in securing or renewing a license.

~~(5)~~ (6) Fraud, misrepresentation or false statements made in the application and investigation for, or in the course of, the applicant's business.

~~(6)~~ (7) Violation within the preceding five (5) years, of any law relating to theft, damage or trespass to property, sale of a controlled substance, or operation of a business.

~~(7)~~ (8) The owner of the premises licensed or to be licensed would not qualify for a license under the terms of this chapter.

Adopted. Yeas, 11; Nays none.

Absent - Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends granting the following applications for liquor, wine and beer licenses:

Off-Sale Liquor, to expire April 1, 1998

Gopher Liquor, Inc, dba U Liquors, 901 Washington Av SE;

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 1998

Hey City Theater Company, dba Hey City Theater, 824 Hennepin Av;

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 1997

Old Chicago of Colorado, Inc, dba Old Chicago, 2841 Hennepin Av, new manager;

International Catering, Inc, dba Atrium Cafe, 275 Market St, Southwest High School Reunion, temporary expansion of premises, 7/19/97, 7PM-1AM;

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 1998

Chinook, Inc, dba Five Corners Saloon, 501 Cedar Av, for Cedarfest '97, temporary expansion & temporary outdoor entertainment, 8/17/97;

On-Sale Liquor Class D with Sunday Sales, to expire July 1, 1998

Labonne Table, Inc, dba New French Cafe, 128 N 4th St, temporary expansion of premises & outdoor entertainment for Bastille Day Celebration, 7/13/97, Noon – 10PM;

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 1998

Harrison Restaurant Holdings, Inc, dba Sawatdee Bar & Cafe, 118 N 4th St, downgrade from On-Sale Liquor Class D with Sunday Sales;

City Billiards, Inc, dba City Billiards & Cafe, 25 N 4th St;

Starmac, Inc, dba Champions Saloon & Eatery, 105 W Lake St;

Little Jack's Steakhouse, Inc, dba Little Jack's Steakhouse, 201 Lowry Av NE;

Preston's of Minneapolis, Inc, dba Sgt Preston's, 221-29 Cedar Av;

617 Saloon, Inc, dba 617 Saloon, 617 Central Av NE;

Temporary On-Sale Liquor, to expire March 31, 1998

Metropolitan Boys Choir, P. O. Box 19348, Licensed Facilitator: Fine Line Music Cafe, temporary entertainment for Mill City Music Festival Kick-Off Party, Block D, downtown, 7/15/97, 4PM-6:30PM;

Minneapolis Downtown Council, dba Ribfest, 81 S 9th St, Licensed Facilitators: Target Center & Ogden Entertainment, temporary entertainment on Ritz Block, 4th St & Nicollet Mall, 7/23-7/24/97, 11AM-10:30PM & 7/25-7/26/97, 11AM-11PM;

On-Sale Wine Class E with Strong Beer, to expire April 1, 1998

Modern Cafe, Inc, 337 13th Av NE, Sidewalk Cafe Expansion;

Off-Sale Beer, to expire April 1, 1998

Hark's Company, Inc, dba Hark's Food Market, 2401 Nicollet Av;

Hark's Company, Inc, dba Hark's Food-Cedar, 2600 Cedar Av;

Hark's Company, Inc, dba Vilma's Corner Store, 2747 Bloomington Av;

Hark's Company, Inc, dba Pump & Munch, 4401 Nicollet Av;

Temporary On-Sale Beer

Minneapolis Mounted Patrol, 81 S 9th St, event held at 617 1st Av N, 7/22/97, 5-8PM;

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Av S, for Fall Festival, 10/12/97, 11AM-4:30PM; and

Lyn-Lake Improvement Association, dba Lyn-Lake Street Fair, 709 W Lake St, held on Lyndale Av from 28th St to Lake St, 7/19/97, Noon-10PM.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of July 25, 1997, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 262939):

Building Contractor Class A; Building Contractor Class B; Cement Finisher; Contractor/Masonry Class A; Contractor/Masonry Class B; Place of Entertainment; Caterers; Confectionery; Grocery; Food Cart, Indoor; Food Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short-Term Food Establishment; Sidewalk Cafe Permit; Heating, Air Conditioning, Vent Installer Class B; Motor Vehicle Dealer – New & Used; Motor Vehicle Dealer – Used Only; Motor Vehicle Dealer – Additional Lots; Motor Vehicle Wholesaler; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Pet Shop; Swimming Pools; Tobacco Dealers; and Taxicab Vehicle.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk

PS&RS – Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling-Lawful Class A

James Ballentine VFW Post #246, 2916 Lyndale Av S, site: James Ballentine VFW #246, 2916 Lyndale Av S;

Gambling-Lawful Class B

Minnesota Amateur Rugby Foundation, P. O. Box 24348, site: Westrum's Tavern, 4415 Nicollet Av S;

Minnesota Amateur Rugby Foundation, P. O. Box 24348, site: Cabooze, 917 Cedar Av;

Washburn Amateur Hockey Association, 1624 E 57th St, site: Cloggy's, 5404 34th Av S;

Washburn Amateur Hockey Association, 4200 Fremont Av S, site: Club Engelmunn, 2211 Lowry Av N;

Washburn Amateur Hockey Association, 1624 E 57th St, site: Knight Cap Bar, 1500 4th St NE;

Gambling Lawful Exempt

Church of the Holy Cross, 1621 University NE, bingo, raffle, paddlewheels, pulltabs, tipboards, 9/20-9/21/97; and

Church of the Holy Name, 3637 11th Av S, bingo, raffle, pulltabs, 10/12/97.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the following applications for Off-Sale Beer and Grocery with Tobacco Licenses, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

a) Twins Food Market, Inc, 2020 Nicollet Av; and

b) Twins Food Market, Inc #2, dba Twins Food Market, 1808 W Broadway, new business.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the On-Sale Liquor License held by Lake Street, Inc, dba Smiling Moose, 3001 Hennepin Av, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing thereon, now recommends adoption of the following TAC recommendations, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference:

1) That said licensee pay a \$1,000 fine for failure to comply with July, 1996 TAC recommendations and for failure to decrease alcohol sales in a timely manner.

2) That said licensee submit monthly sales reports for the next 3 months. If the food and

non-alcoholic beverage sales are not at least the required 60 %, a \$1,000 fine will be charged and the establishment will be closed for one week;

3) That, if after another 2 months, the licensee has not continued to maintain sales at the required 60/40 ratio, license revocation will be sought.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends that the proper City officers be authorized to execute an agreement with the Minnesota AIDS Project for a community outreach and educational project to assist in preventing the transmission of HIV, for the period from June 1, 1997 through May 31, 1998, in the amount of \$43,300, payable from Community Development Block Grant/Urban Development Action Grant (CDBG/UDAG) – Health Department Agency – Contracts Management (040-440-4413).

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends that the proper City officers be authorized to execute an agreement with Hennepin County relating to the 348-TOTS Program to provide developmental screening services for children 0-6 years of age, for the period from July 1, 1997 through June 30, 1998, in the amount of \$113,000, payable from Health Department Agency – Contracts Management, with \$35,000 to be payable from the General Fund (010-440-4413) and \$78,000 to be payable from the Federal Grants Fund (030-440-4413).

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends approval to submit a joint grant application to the Minnesota Department of Children, Families and Learning, Office of Drug Policy and Violence

Prevention, in cooperation with the Hennepin County Attorney's Office and the Hennepin County Sheriff's Department to continue the Multi-Jurisdictional Narcotics Enforcement Task Force intended to provide improved identification, apprehension and prosecution of drug offenders.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Contract #11105 with Cambridge Apartments, Inc, to increase the cost of leasehold improvements by \$33,410 for the Downtown Command Central Office, 29 S 5th St, for a new total of \$178,251 for said leasehold improvements, payable from the General Fund – Police Department Agency – Downtown Command Administration (010-400-DT01).

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends concurrence with the recommendation of the City Council to appoint/reappoint the following persons to serve on the Minneapolis Examining Board of Plasterers and Lathers for 3-year terms to expire October 31, 1999:

Arthur Brisson, 8318 16th Av S, Bloomington, Stucco Contractor (new appointment);

Richard Felber, 6030 Colfax Av, Business Agent for Plasterers, Ward 13;

Menfred Peterson, 12160 Radisson Blvd, Blaine, Stucco Contractor.

Your Committee further recommends appointment of Doug Hordyk, Building Inspector, as the Inspections Division designee to said board, replacing Nell Bean for the remainder of a 3-year term expiring October 31, 1998.

Your Committee further recommends that the residency requirement be waived, pursuant to Chapter 14, Section 14.180 of the Minneapolis Code of Ordinances which allows a waiver for persons providing a unique and special benefit to the City.

Mead moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

PS&RS – Your Committee, having under consideration the following properties creating nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having determined that rehab of said properties is not feasible, now recommends that the proper City officers be authorized to raze the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

- a) 2200-02 4th Av S, E 88 8/10 of Lot 25, Auditor's Subdivision #7; and
- b) 2439 16th Av S, N 24' of Lot 12, Block 3, Gilpatrick's Addition.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the application of Intermedia Arts for authorization to hold a fireworks display at 2828 Lyndale Av S on July 4, 1997, now recommends that said application be denied.

Adopted. Yeas, 9; Nays, 2 as follows:

Yeas – Minn, Scott, Herron, Rainville, Dziedzic, Thurber, Biernat, McDonald, Cherryhomes.

Nays – Mead, Niland.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET

Committees submitted the following reports:

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with the Metropolitan Visiting Nurse Association (MVNA) for a .8 Full Time Equivalent (FTE) Public Health Nurse I, to provide education and outreach services under the Housing and Urban Development (HUD)

Round IV Grant, for the period from July 1, 1997 through December 31, 1997, in an amount not to exceed \$23,100.

Your Committee further recommends passage of the accompanying Resolution increasing the Licenses and Consumer Services Appropriation by \$23,100.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-206

By Biernat and Campbell

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Licenses and Consumer Services Agency in the General Fund (010-835-8392) by \$23,100.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee recommends approval to submit 3 applications to the Minnesota Attorney General's Office for 1997-1999 Minnesota Weed and Seed funding for the following neighborhoods:

1) Central, in the amount of \$140,000;

2) Phillips, in the amount of \$230,000; and

3) Near North, in the amount of \$230,000.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Hennepin County to jointly provide for a Community Health

Assessment Survey to be administered by the University of Minnesota, for the period from July 1, 1997 through March 31, 1998, in the amount of \$300,000, with \$150,000 to be paid by Hennepin County.

Your Committee further recommends passage of the accompanying Resolution increasing the Health Department Agency appropriation and revenue estimate by \$150,000.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-207
By Biernat and Campbell

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health Department Agency in the Grants – Other Fund (060-440-4412) by \$150,000 and increasing the Health Department Agency revenue estimate in the Grants – Other Fund (060-440-4412-Source-3210) by \$150,000.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee recommends acceptance of an award from the State of Minnesota for the City's Police Cadet Program which practices aggressive hiring of persons of minority and protected classes, in the amount of \$95,000.

Your Committee further recommends passage of the accompanying Resolution increasing the Police Department Agency appropriation and revenue estimate in the General Fund by \$95,000.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-208

By Biernat and Campbell

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the General Fund (010-400-B111) by \$95,000 and increasing the Police Department Agency revenue estimate in the General Fund (010-400-B111-Source 3455) by \$95,000.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee recommends acceptance of the low bid meeting specifications received on OP #4638 (Petn No 262946), submitted by Killmer Electric Company, Inc, in the amount of \$49,796 for furnishing, delivering and installing outdoor warning sirens for the Minneapolis Fire Department, all in accordance with City specifications.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee recommends that James Hildreth, Electrical Plan Examiner, Inspections Division, be authorized to accumulate compensatory time not to exceed 150 hours for work requiring technical expertise, including KIVA permit automation system requirements and network administration in the Inspections Division.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.
Approved July 31, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

**The TRANSPORTATION & PUBLIC
WORKS** Committee submitted the following
reports:

T & PW – Your Committee having considered the special assessment deferment application (Senior Citizen) submitted by Iris Nichelson to defer a residential paving and water main special assessment (Levy 01026, Project 2796) in the principal amount of \$1,274.08 and a water service line repair special assessment (Levy 01028, Project 1997) in the principal amount of \$2,640.00 for payable 1997 and subsequent years on the property at 3315 39th St E, PID 07-028-23-22-0078, now recommends that the application be approved as provided for in Minnesota Statutes, Sections 435.193 to 435.195 and Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

T & PW – Your Committee, having under consideration the reconstruction of TH 62 from TH 121 to Morgan Avenue South, now recommends passage of the accompanying Resolution holding harmless the State of Minnesota from actions that may arise from granting a variance from State-Aid Rules to permit a municipality to use a portion of its State-Aid Funds for a Trunk Highway project with plans approved after the contract has been awarded.

RESOLUTION 97R-209
By Dziedzic

Holding harmless the State of Minnesota from actions that may arise from granting a variance for the reconstruction of TH 62 from TH 121 to Morgan Av S at less than Municipal State-Aid Standards.

Whereas, the City Engineer has requested a variance from Minnesota Rules, Chapter 8820.1500 for the reconstruction of TH 62 from

TH 121 to Morgan Av S in accordance with Resolution 97R-170 adopted by the Minneapolis City Council on June 27, 1997; and

Whereas, the Commissioner of Transportation did grant said variance with the condition that the City adopt a Resolution concerning legal responsibilities as a result of this granting of said variance at the City Council's request;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That it indemnifies, saves and holds harmless the State of Minnesota and all its agents and employees of and from any and all claims, demands, actions, or causes of actions of any nature or character arising out of or by reason of, in any manner the reconstruction of TH 62 between TH 121 and Morgan Av S in any other manner than as in accordance with Minnesota Rule 8820.1500 and further agrees to defend at their sole cost and expense any action or proceeding commenced for the purpose of asserting any claim of whatsoever character arising as a result of the granting of this variance.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President
of Council.

Approved July 31, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

T & PW – Your Committee, having under consideration the reconstruction of E 50th Street from Nicollet Avenue South to the west approach of the I-35W Bridge, now recommends passage of the accompanying Resolution directing the City Engineer to submit a second formal request to the Commissioner of Transportation for a variance from State Aid Rules to permit said reconstruction with a design speed of less than 30 miles per hour.

RESOLUTION 97R-210
By Dziedzic

Directing the City Engineer to proceed with the submittal of a second variance request to the Commissioner of Transportation for the reconstruction of E 50th St from Nicollet Av to the west approach of I-35W bridge.

Whereas, the City wishes to reconstruct E 50th St from Nicollet Av to I-35W bridge; and

Whereas, Minnesota Department of Transportation (MnDOT) State-Aid Rule

8820.9936 requires a minimum design speed of 30 mph; and

Whereas, physical constraints limit the minimum design speed to less than 30 mph on E 50th St. between Nicollet Av S and the west approach of I-35W bridge; and

Whereas, State-Aid Rules provide that a political subdivision may request a variance from the Rules;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby directed to submit to the Commissioner of Transportation a formal request, for the second time, for a variance from MnDOT State-Aid Rule 8820.9936 to permit reconstruction of E 50th St from Nicollet Av to the west approach of I-35W Bridge with a design speed less than 30 mph.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that property owners who experience expenses due to storm damaged tree removal be reimbursed for the expense incurred, or have the City's tree contractor remove the tree. Further, the expense incurred shall be reimbursed to the City through special assessment against the property, to be collected over a five-year period with interest.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget – Your Committee recommends acceptance of the low bid meeting specifications received on OP #4672 (Petn No 262953) submitted by Ron Becker Olds-Dodge, Inc., in the amount of \$702,650, for furnishing and delivering 65 used 1995 Olds Ciera/Buick Century automobiles to the Public Works Equipment Services Division, all in accordance with City specifications.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to execute Agreement No PW 32-20-97 with Hennepin County to provide for the installation of overhead signal indications on Cedar Av S at E 26th St and E 28th St. The total estimated project cost is \$98,487.89, and the City's portion of the cost, in the amount of \$50,909.20, has been included in the 1997 Capital Improvement Program for signals, signing and lighting improvements.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee recommends that Mike Drossel, District Street Supervisor I at the 4th Street Maintenance District, be authorized to receive compensation at a straight time hourly rate of pay for 160 hours of overtime worked during the 1996/97 winter season as required to supervise and coordinate snow and ice control activities.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to submit a series of applications to the Metropolitan Council seeking federal Intermodal Surface Transportation Efficiency Act (ISTEA) funds, and that the City commit to provide the necessary cash match (80% federal – 20% local), subject to individual project selection for grant award, as follows and more fully described in Petn No 262952 on file in the Office of the City Clerk:

Surface Transportation Program (STP) Projects:

1. Loring Park Bicycle/Pedestrian Connections: Lyndale Bottleneck Bridge-MCTC Campus (2002)
2. Midtown Greenway Phase III (2001)

Congestion Mitigation/Air Quality (CMAQ) Projects:

3. CMAQ – Bus Priority Project (2001) at intersections along 7th St N, Emerson Av N, Fremont Av N, Grand Av S, Washington Av, University Av SE & other streets
4. CMAQ – Adaptive Control Expansion Project (2002)
5. CMAQ – Bus Priority Project at intersections along Franklin Av, Riverside Av S, 4th St SE, University Av SE & other streets
6. CMAQ – Downtown Minneapolis Transportation Management Organization (TMO) 2001 & 2002

Transportation Enhancement Program (TEP) Projects:

7. East River Parkway Bike Path
8. Wirth Parkway Bike Trail Replacement
9. Victory Memorial Parkway Trail Repaving and Upgrade
10. Sumner – Olson Stormwater Pond/Wetland
11. Como-Harriet Streetcar Line Physical Plant Improvements

Your Committee, having under consideration the Northside Parkway Trail Connecting with Cedar Lake via Hennepin Av/Dunwoody Blvd Project proposed to be submitted as an STP Program Project, now recommends:

T&PW – that the project be sent forward without recommendation.

W&M/Budget – that staff be directed to redraft the project with a revised scope and funding proposal.

Scott moved to divide the report so as to consider separately that portion relating to the Northside Parkway Trail Connecting with Cedar Lake via Hennepin Av/Dunwoody Blvd Project. Seconded.

Adopted by unanimous consent.

Scott moved that the separated portion of the report be referred back to the Transportation & Public Works and Ways & Means/Budget Committee. Seconded.

Adopted upon a voice vote.

Scott moved adoption of the balance of the report. Seconded.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee recommends approval of the following reallocation of bonds and close out of capital projects:

From these Projects:

	Fund	Year	Bonds	Balance	Project
1.	4K0	1992	Net Debt	39,614.29	Dunwoody Blvd
2.	4K0	1992	Net Debt	112,572.87	Motley Storm Tunnel
	4K0		Subtotal	\$152,187.16	
3.	4L0	1993	Net Debt	1,225.88	University Area Commercial Storm Drain
4.	4L0	1993	Net Debt	18,151.51	Glenwood Commercial Storm Drain
	4L0		Subtotal	\$19,377.39	
5.	4C0	1994	Net Debt	5,606.85	Shingle Creek East Storm Drain
6.	4C0	1994	Net Debt	37,068.34	Farview South Resid Storm Drain
7.	4C0	1994	Net Debt	45,834.60	Glenwood South Storm Drain
	4C0		Subtotal	\$88,509.79	
8.	4J0	1995	Net Debt	7,812.48	Grass Lake Storm Drain
9.	4J0	1995	Net Debt	45,762.74	29th Av SE (Como to Weeks)

July 25, 1997

10.	4J0	1995	Net Debt	156,613.43	Bridal Veil Storm Tunnel	
	4J0		Subtotal	\$210,188.65		
11.	4X0	1994	CSO	\$43,246.16	1994 CSO Program	
	Total			\$513,509.15		
To these Projects:						
	Project		Fund	Year	Bonds	Amount
12.	Shingle Creek Resid Storm Drain		4C0	1994	Net Debt	\$88,509.79
	Shingle Creek Resid Storm Drain		4L0	1993	Net Debt	19,377.39
	Shingle Creek Resid Storm Drain		4J0	1995	Net Debt	7,812.48
	Shingle Creek Resid Storm Drain					\$115,699.66
13.	Lake Harriet at Queen Av Grit Chamber		4K0	1992	Net Debt	\$61,926.32
14.	Lake Harriet at 44th Grit Chamber		4K0	1992	Net Debt	90,260.84
	Lake Harriet at 44th Grit Chamber		4J0	1995	Net Debt	28,231.45
	Lake Harriet at 44th Grit Chamber					\$118,492.29
15.	Lake Harriet at the Mall Grit Chamber		4J0	1995	Net Debt	\$174,144.72
16.	1996 CSO Program		4X0	1994	CSO	\$43,246.16
					Total	\$513,509.15

Your Committee recommends that the Board of Estimate & Taxation be requested to concur in the bond transfers.

Your Committee further recommends passage of the accompanying Resolution to provide for capital appropriation adjustments for various capital projects.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-211

By Dziedzic and Campbell

Amending The 1997 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

Appropriation Decreases:

Fund	Agency	Org	Amount	Project
410	932	9322	\$37,068.34	Farview South Resid Storm Drain
410	932	9322	45,834.60	Glenwood South Storm Drain
410	932	9322	5,606.85	Shingle Creek East Storm Drain
410	932	9322	1,225.88	University Area Commercial Storm Drain
410	932	9322	18,151.51	Glenwood Commercial Storm Drain
410	932	9322	7,812.48	Grass Lake Storm Drain
410	932	9322	39,626.25	Dunwoody Blvd
410	932	9322	113,377.98	Motley Storm Tunnel
410	932	9322	45,762.74	29th Av SE Como to Weeks

410	932	9322	156,613.43	Bridal Veil Storm Tunnel
410	932	9322	43,246.16	CSO Program 1994

Appropriation Increases:

Fund	Agency	Org	Amount	Project
410	932	9322	115,699.66	Shingle Creek Residential Storm Drains 1996
410	932	9322	61,926.32	Grit Chamber Lake Harriet at Queen Av
410	932	9322	118,492.29	Grit Chamber Lake Harriet at 44th
410	932	9322	174,144.72	Grit Chamber Lake Harriet at Mall
410	932	9322	43,246.16	CSO Program 1996
410	932	9322	74,280.00	Powderhorn Park Mis Storm Drains 1996
410	932	9322	114,193.00	Bluff Street Extension Sanitary Sewer

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following report:

T & PW – Your Committee recommends passage of the accompanying Resolution providing actions to address flooding in the City of Minneapolis.

RESOLUTION 97R-212

By Dziedzic, Campbell,

Biernat, Rainville,

Cherryhomes, Niland, Scott,

Herron, Thurber, McDonald,

Mead, Schulstad and Minn

Providing actions to address flooding in the City of Minneapolis.

Whereas, the City has had over 12 inches of rain to date in the month of July, and the average rainfall is 3.54 inches, and more rain is predicted; and

Whereas, this amount of rainfall has been causing flooding in some parts of the City, resulting in basement flooding, collapse of walls, loss of trees and loss of belongings; and

Whereas, the City has taken the following steps to help residents deal with the flooding:

* the City has established a Hotline to provide flood information to residents, the number being 673-3900;

* the City has made staff available to pump out basements and yards;

* the City has loosened its rules for collecting debris and accepting it at its transfer station;

* the City is continuing its loan program to help residents finance the cost of removal of damaged trees from their property;

* the City is continuing its home repair loan programs through the Minneapolis Community Development Agency (MCDA) and is providing information on loans from the Small Business Association;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City establish special garbage collection crews to remove debris created from flooding.

That the City increase its street sweeping from three to ten sweepers during this flooding period, which will be targeted in problem areas to keep storm drains and streets clean.

That the Public Works Department be authorized to purchase permanent backup generators for two lift stations, and \$300,000 of funding be authorized from the Sewer Fund for the purchase of this equipment.

That the Public Works Department be authorized to purchase a telemetry system to provide information on the operation of all lift stations, and that mobile backup generators be purchased for lift stations during times of protracted power outages; \$250,000 of funding be authorized from the Sewer Fund for the purchase of this equipment.

That the Public Works Department be directed to meet with Minnesota Department of Transportation (MnDOT) staff to find an immediate solution to the drainage problems around I-35W.

That the Public Works Department be directed to bring forward an analysis of where additional holding ponds should be constructed, a separate list of properties to be acquired for the construction of these ponds, and a list of other capital projects which could provide additional flood relief.

That staffing be added during storms to patrol the City to clean storm drains, check lift stations, check standby generators, operate emergency pumps and to bring emergency generators to lift stations, if needed.

That the City sandbag locations where the public right-of-way is threatened.

That the City requests volunteers to help fill sandbags to be made available to residents who wish to sandbag around their homes.

That the City expresses its support and appreciation to the Red Cross for its efforts to recruit volunteers to help residents.

That the City requests funds from the State of Minnesota to aid persons affected by the flood and to defray the City's extraordinary costs related to the flooding.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget – Your Committee, having under consideration a request from Community Health and Education Corporation for assistance in financing the acquisition and improvement of an educational facility in the Seward South Redevelopment Area to be leased to the Minnesota Transitions Charter School and, having held a public hearing thereon,

now recommends passage of the accompanying resolution authorizing the execution and delivery of a lease, sublease, disbursing agreement and other documents related to the project at 2526 27th Avenue South.

RESOLUTION 97R-213

By Campbell & Thurber

Authorizing the Execution and Delivery of Lease, Sublease, Disbursing Agreement and Related Documents, and the Performance of Related Actions for Charter School.

Be It Resolved by The City Council of The City Of Minneapolis:

Section 1. Authority for Proposed Financing. It is hereby determined that it is necessary and expedient that the City finance the acquisition and improvement of an educational facility at 2526 27th Avenue South in the Seward South Redevelopment Area (the "Project") pursuant to Minnesota Statutes, Chapter 469 (the "Act"), in cooperation with Community Health and Education Corporation, a Minnesota nonprofit corporation ("CHC"). In order to carry out the City's objective it is proposed that Norwest Investment Services, Inc. ("NISI") acquire the Project site and enter into a Lease and Purchase Option Agreement dated as of July 1, 1997 (the "Lease") with the City whereby NISI agrees to provide funds in the amount of \$680,000 for acquisition and improvement of the Project, and the Project and Project site are leased to the City. In accordance with Minnesota Statutes, Section 465.71, the City has the right to terminate its payment obligations under the Lease at the end of each fiscal year. The City will sublease the Project to CHC pursuant to a Sublease and Purchase Option Agreement dated as of July 1, 1997 (the "Sublease"). Under the Sublease, CHC agrees to renovate the Project and perform the City's obligations under the Lease. Proceeds of the Lease and other funds available for the Project will be disbursed in accordance with a Disbursing Agreement dated as of July 1, 1997 (the "Disbursing Agreement") between the City, CHC and the Disbursing Agent. Forms of the Lease, Sublease and Disbursing Agreement are on file in the office of the City Clerk. CHC will sublease the Project to Minnesota Transitions Charter School for operations as an educational facility. The City is undertaking the Project for the purpose of aiding and cooperating in the Seward South Redevelopment Project.

Section 2. Findings and Approval of Documents. The Committee on Ways and Means/Budget held a public hearing on the financing of the Project on July 22, 1997. Based on the foregoing, the City Council hereby determines that execution of the Lease furthers the purposes of the Act and approves the financing under Section 147(f) of the Internal Revenue Code of 1986. The forms of Lease, Sublease and Disbursing Agreement (together the "Agreements") are hereby approved. City officers shall submit an application to the Commissioner of Trade and Economic Development pursuant to Minnesota Statutes, Section 469.152 to 469.165.

Section 3. Execution. The Mayor, Finance Officer, City Clerk and other City officers are hereby authorized and directed to execute the Agreements in substantially the form on file; provided that the Finance Officer has approved the interest rate on the Lease and such rate does not exceed 6.50% per annum. Copies of all Agreements and any related certificates, consents or instruments shall be delivered, filed and recorded as provided therein.

Section 4. Modifications, Absence of Officers. The transactions referred to herein are subject to approval by the Commissioner of Trade and Economic Development. The approval hereby given to the execution and delivery of the various items referred to herein, includes an approval of such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by Faegre & Benson LLP, as Bond Counsel, prior to the execution and delivery of the same. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence or disability of any officer or employee of the City, any of the documents authorized by this Resolution to be executed by such person may be executed by any other person who is otherwise permitted by law to execute such documents on behalf of the City.

Section 5. Authentication of Proceedings. The Mayor, City Clerk and other officers of the City are authorized and directed to furnish to NISI and Bond counsel certified copies of all proceedings and records of the City relating to the Agreements, and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Lease as such facts appear from the books and records in the officers' custody

or control or as otherwise known to them and all such certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

Section 6. Effective Date. This Resolution shall become effective as of the date and time of its publication.

Adopted. Yeas, 8; Nays, 3 as follows:

Yeas – Mead, Herron, Dziedzic, Thurber, Biernat, Niland, McDonald, Cherryhomes.

Nays – Minn, Scott, Rainville.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 28, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published July 30, 1997).

W&M/Budget – Your Committee, having under consideration a request from the Youth Coordinating Board (YCB) for authorization to utilize Convention Center Sales Tax funds for architectural planning services related to development of the Little Earth Neighborhood Early Learning Center, now recommends that the proper City officers be authorized to release \$40,000 from the Convention Center Sales Tax Fund to the YCB for said services.

Niland moved to amend the report by changing the recommendation to read as follows:

"now recommends that the proper City officers be authorized to release \$40,000 from the Convention Center Sales Tax Fund within the existing Little Earth NELC allocation to the YCB for said services." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 8; Nays none.

Absent – Schulstad, Dziedzic, Thurber, Campbell, McDonald.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Vice President Biernat in the Chair.

W&M/Budget– Your Committee recommends passage of the accompanying amendment to the **Salary Ordinance** establishing new salary levels for the reclassified positions of

Chief Information Officer and Director Central Operations Management and Administration in the Information and Technology Services (ITS) Department The reclassifications are based on job evaluation and market pay studies which were conducted for the positions.

ORDINANCE 97-Or-065
By Campbell
1st & 2nd Readings: 7/25/97

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes (bi-weekly rates):

APPOINTED OFFICIALS

Effective December 17, 1996

FLSA	OTC	APPOINTED OFFICIAL	Start Rate	After 1 Year	After 3 Years	After 6 Years
E	1	Director, Central Operations Management & Administration	\$2,512.68	2,644.94	2,724.29	2,777.20

Section 2. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes (bi-weekly rates):

APPOINTED OFFICIALS

Effective January 1, 1997

FLSA	OTC	APPOINTED OFFICIAL	Start Rate	After 1 Year	After 3 Years	After 6 Years
E	1	Director, Central Operations Management & Administration	\$2,562.91	2,697.82	2,778.74	2,832.72

Section 3. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes (bi-weekly rates):

APPOINTED OFFICIALS

Effective July 28, 1997

FLSA	OTC	APPOINTED OFFICIAL	Start Rate	After 1 Year	After 3 Years	After 6 Years
E	1	Chief Information Officer	\$3,444.21	3,625.48	3,734.25	3,806.74

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the lawsuit filed against the City by the following individual be settled as follows:

690-150 Daniel J. Kilbo and Daniel Guerrero, his attorney, \$75,000.

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to proceed with settlement of the workers' compensation and employment related claims of William Williams in accordance with the terms set forth in Petn No 262956, in an amount not to exceed \$75,000, payable from the Self-Insurance (690-145) and Solid Waste & Recycling (770-664) funds.

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration a proposed settlement of the City's claim against the Fifteen Building Company regarding special assessments against the Chamber of Commerce Building property, now recommends approval of the abatement of penalties and interest with regard to the assessments according to the settlement terms set forth in Petn No 262956.

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration the availability of State grant funds to support the project of Minnesota Diversified Industries (MDI), Inc. involving revitalization and job creation at the vacant Sears property on East Lake Street, now recommends that the proper City officers be authorized to proceed with the following actions:

a) Accept a \$200,000 grant award from the Minnesota Department of Trade and Economic Development for the MDI Project (CDAP-97-0084-H-FY97);

b) Execute a grant agreement with the Minnesota Department of Trade and Economic Development for the receipt of said funds; and

c) Execute a loan agreement with MDI in the amount of \$200,000 for the purchase of capital equipment, with the understanding that the loan will be forgiven based on the project's job creation results.

Your Committee further recommends passage of the accompanying resolution increasing the

Non-Departmental appropriation by \$200,000 reflecting the receipt of said grant funds.

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 28, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published July 29, 1997).

(Republished August 16, 1997).

RESOLUTION 97R-214

By Campbell

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Non-Departmental Agency in the Grants-Other Fund (060-123) by \$200,000.

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 28, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published July 29, 1997).

(Republished August 16, 1997).

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Epic, USA to provide program management for the City's Strategic Information Systems Project (SISP) and Project Evaluation and Prioritization Process (PEPP) during the period of time required for the City's transition to a new Chief Information Officer. The contract shall be for a monthly fixed fee of \$10,670, in an amount not to exceed \$55,000, payable from the Information and Technology Services Department budget.

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be

authorized to execute an agreement with Teleport Minnesota for the provision of satellite and fiber-optics transmission services at the Minneapolis Convention Center for the period of July 1, 1997 through June 30, 2000 (with options to renew). The contract shall be at no cost to the City and shall include terms that provide for the City to share in revenue from the services.

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends acceptance of the low bid received on OP #4646 (Petn No 262961) submitted by Final Grade, Inc. in the amount of \$36,789.30 for furnishing all labor, materials, equipment and incidentals necessary to accomplish landscaping of the plaza at the Minneapolis Convention Center, all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said services.

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to amend the contract with Systems & Computer Technology (SCT) Utility Systems, Inc. to change the contract amount from \$51,250 to \$52,250. Said contract provides for support services for the Utility Billing CIS software in 1997.

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to enter into a grant agreement with the Minnesota Department of Economic Security for the receipt of \$72,208 over the period of July 1, 1997 through June 30, 1998, to be used to assist the City in creation of a Workforce Center System, including staffing of a Northside Resource Center and electronic connection with employment & training providers.

Your Committee further recommends that the proper City officers be authorized to issue the following Fund Availability Notices (FAN) to HIRED for the provision of staff services:

Master					
Funds	Agency	Contr#	Period	Amount	FAN#
030-860-8600	HIRED	10009	7/1/97 – 6/30/98	\$35,000	44-1
040-860-8600	HIRED	10009	7/1/97 – 6/30/98	\$25,000	22-4

Adopted. Yeas, 11; Nays none.

Absent – Campbell, Cherryhomes.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue the following Fund Availability Notice (FAN) to the Minnesota Department of Economic Security (MDES) to provide Minnesota Youth Program funds for eligibility screening, recruitment and referral services to eligible low income youth at the Minneapolis Workforce Center:

Funds	Agency	Master Contr#	Period	Amount	FAN#
060-860-8600	MDES	10014	7/1/97 - 6/30/98	\$15,000	92-1

Adopted. Yeas, 11; Nays none.
 Absent – Campbell, Cherryhomes.
 Passed July 25, 1997.
 Approved July 31, 1997. S. Sayles Belton, Mayor.
 Attest: M. Keefe, City Clerk.

W&M/Budget– Your Committee recommends that the proper City officers be authorized to enter into an agreement with the Minnesota Department of Economic Security to receive Job Training Partnership Act (JTPA) 5% Older Worker Program funds in the amount of \$40,571, to be used to provide job opportunities for Minneapolis’ older workers for the period of July 1, 1997 through December 31, 1998.

Adopted. Yeas, 11; Nays none.
 Absent – Campbell, Cherryhomes.
 Passed July 25, 1997.
 Approved July 31, 1997. S. Sayles Belton, Mayor.
 Attest: M. Keefe, City Clerk.

Cherryhomes resumes the Chair.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to extend the lease of the Holy Rosary School facility from July 1, 1997 to June 30, 1998 to allow the Curfew/Truancy Center to continue operations at the facility, with the understanding that the lease can be terminated with a 30 day notice.

Biernat moved that the report be referred to the Public Safety & Regulatory Services Committee.
 Seconded.

Adopted upon a voice vote.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P – Your Committee, having under consideration the appeal filed by Mike Jennings from the decision of the Heritage Preservation Commission which denied his application for a fabric awning with logo signage on the slant and skirt for The District Brewpub at 430 N 1st Av, now recommends that said appeal be denied.

Adopted. Yeas, 11; Nays none.
 Absent – Schulstad, Campbell.
 Passed July 25, 1997.
 Approved July 31, 1997. S. Sayles Belton, Mayor.
 Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the appeal filed by William Fritz (V-4170) from the decision of the Board of Adjustment which denied his application for increase in fence height from 3’ to 4’ to permit the 4’ picket fence to remain at 6045-47 Penn Av S, now recommends that said appeal be granted.

Adopted. Yeas, 11; Nays none.
 Absent – Schulstad, Campbell.
 Passed July 25, 1997.
 Approved July 31, 1997. S. Sayles Belton, Mayor.
 Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the appeal filed by Kelly Heirigs (V-4172) from the decision of the Board of Adjustment which denied her application for variation of front yard on Washburn Av S from 33.5' (36' from City sidewalk) to 17.5' (20' from City sidewalk) to permit a deck to project 16' into the yard on a corner lot at 3844 Washburn Av S, now recommends that said appeal be granted.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the petition of the Minneapolis Community Development Agency (#1201) to vacate a portion of the alley in the block bounded by E Lake & 31st Sts and 10th & Elliot Aves S, due to traffic and safety concerns, now finds that said alley is no longer needed for public travel and recommends concurrence in the recommendation of the Planning Commission that said petition be granted, by passage of the accompanying resolution.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-215

By Scott

Vacating a portion of the alley in the block bounded by East Lake Street, 10th Avenue South, East 31st Street and Elliot Avenue South.

Resolved by The City Council of The City of Minneapolis:

That all that part of the alley described as the south 24 feet of Lot 25, Block 1, Erastus Byer's Addition to Minneapolis, and also that part of alley not heretofore vacated, which lies northerly of the easterly extension of the south line of Lot 25, Block 1 of said Addition, is hereby vacated.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee recommends concurrence in the recommendations of the Planning Commission relating to applications of Steve Williams, for Metrodome Texaco, 1221 Washington Av S:

a) Granting the petition (P-1018) to rezone property at 253 – 12th Av S and 1114, 1118, 1124 – 3rd St S from T (Technology) to the M2-2 District to permit expansion of the existing automobile service station to include a service station/repair shop, convenience store/office; car wash/oil change, and a land exchanged for parking, and that the accompanying amendment to the Zoning Ordinance be passed (63687);

b) Granting the petition (#1200) to vacate the eastern most 132.48' of the alley directly behind 1221 Washington Av to allow expansion of the site, finding that said alley is no longer needed for public travel, by passage of the accompanying resolution.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas – Minn, Scott, Herron, Rainville, Dziedzic, Thurber, Biernat, Niland, McDonald, Cherryhomes.

Nays – Mead.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 97-Or-066

By Scott

1st & 2nd Readings: 7/25/97

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land, pursuant to MS 462.357:

A. Parcel 1) That part of Lots 1 to 5 incl, Block 110, Town of Minneapolis not taken for

highway; Parcel 2) Lots 3, 4 and 5, Block 109, Town of Minneapolis (253 – 12th Av S (Parcel 1); 1114, 1118 & 1124 – 3rd St S (Parcel 2) – Plate 21) to the M2-2 District.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas – Minn, Scott, Herron, Rainville, Dziedzic, Thurber, Biernat, Niland, McDonald, Cherryhomes.

Nays – Mead.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-216

By Scott

Vacating the Eastern most 132.48' of alley directly behind 1221 Washington Avenue S property.

Resolved by The City Council of The City of Minneapolis:

That all that part of the alley as opened in Block 110, Town of Minneapolis which lies southeasterly of a line drawn from the southwesterly corner of Lot 7 in said Block 110, to the northwesterly corner of Lot 4 in said Block 110, according to the recorded plat thereof, Hennepin County, Minnesota, is hereby vacated.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas – Minn, Scott, Herron, Rainville, Dziedzic, Thurber, Biernat, Niland, McDonald, Cherryhomes.

Nays – Mead.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the Transportation Management Plan submitted by RSP Architects Ltd for development of a Caribou Coffee addition to Lunds Food at 1450 W Lake St, now recommends approval of said Plan, as contained in Petn No 262967.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the application of James Page for a special permit, notwithstanding the Zoning Code, to hang a 16' back-lit awning sign on the front of the building at 2720 University Av SE and to install a 20' X 4' non-illuminated flat wall sign on the building, now recommends approval of the awning sign and denial of the flat wall sign (#1997-098).

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee recommends granting the application of Southside Neighborhood Housing for a special permit, notwithstanding the Zoning Code, to waive the full basement requirement at 3136 – 3rd Av S, subject to conditions: a) all other code compliance orders being met; b) Heritage Preservation Commission review and permit approval; and c) compliance with the engineer's recommendation regarding tuckpointing of the foundation (#1997-119).

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, to whom was referred back on 7/11/97 an ordinance amending Title 2 of the Minneapolis Code of Ordinances, adding a new Chapter 35 relating to a Capital Long Range Improvement Program process, and having held further discussion thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Minn moved that the report be postponed. Seconded.

Adopted upon a voice vote.

MOTIONS

Herron, Chair of the Claims Committee, moved concurrence in the reports received from

the City Attorney (Petn No 262970) recommending payment of workers' compensation to various employees and to the State Fund, and for payment of bills and professional services rendered claimants or employees injured on the job. Seconded.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Rainville, member of the Ways & Means/ Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of August 1997 be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Scott moved to refer the subject matter of amendments to Titles 20 and 22 of the Minneapolis Code of Ordinances relating to the comprehensive zoning code revision, except for the Downtown zoning districts and zoning maps, including:

Chapter 520, Introductory provisions;

Chapter 521, Establishment of zoning districts;

Chapter 525, Administration and enforcement;

Chapter 527, Planned unit development;

Chapter 528, Specially planned districts;

Chapter 529, Interim ordinances;

Chapter 530, Site plan review;

Chapter 531, Nonconforming uses and structures;

Chapter 535, Regulations of general applicability;

Chapter 536, Specific development standards;

Chapter 537, Accessory uses and structures;

Chapter 541, Off-street parking and loading;

Chapter 543, On-premise signs;

Chapter 544, Off-premise signs;

Chapter 546, Residence districts;

Chapter 547, Office residence districts;

Chapter 548, Commercial districts;

Chapter 550, Industrial districts;

Chapter 551, Overlay districts; and

Chapter 598, Land subdivision regulations.

Scott moved to waive the residential block event requirement for signatures representing 75% of the households approving of an event on the block abutting the street, as shown in Chapter 455 of the Minneapolis Code of Ordinances, for applicant Laurie Lucking for an event to be held August 5, 1997, between the hours of 4:30 and 7:30 p.m. on 15th St E between Park and Portland Avenues. Seconded.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Dziedzic moved to refer the subject matter of a new outdoor ballpark for the Minnesota Twins on the Mississippi Riverfront to the Intergovernmental Relations Committee. Seconded.

Adopted upon a voice vote.

Cherryhomes moved to introduce the subject matter of an ordinance amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to **Zoning Code: Zoning Districts and Maps Generally**, regarding zoning map changes in the East Hennepin Study Area, for referral to the Zoning & Planning Committee. Seconded.

Adopted upon a voice vote.

Minn moved to approve the following procedures to expedite licensing of cement finishers and masonry contractors:

Due to the extensive storm damage to basements within the City of Minneapolis and the current need for licensed concrete and masonry contractors to repair this damage, the Minneapolis City Council hereby directs the Master Cement and Masonry Contractors' Examining Boards to alter their procedures to facilitate the licensing of additional contractors. Until March 31, 1998, the respective boards will institute the following expedited procedures:

* Examination applications will not require board approval.

* Examinations will be given any business day to walk-in applicants.

* Examinations will be graded and the results given to the Division of Licenses immediately after the applicant has completed the examination.

* Successful applicants may obtain permits and work within the City as soon as their required bond

and insurance documents are submitted and accepted by the Division of Licenses.

Cherryhomes moved to postpone this motion to the adjourned Council session to be held July 29, 1997. Seconded.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas – Mead, Scott, Herron, Rainville, Dziedzic, Thurber, Biernat, Niland, McDonald, Cherryhomes.

Nays – Minn.

Absent – Schulstad, Campbell.

RESOLUTIONS

Dziedzic, Campbell, Biernat, Rainville, Cherryhomes, Niland, Scott, Herron, Thurber, McDonald, Mead, Schulstad and Minn offered a Resolution recognizing the accomplishments of City employees through the “EXCELEBRATE*the Best of Us!*” annual award program.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Not Published. See RESOLUTION 97R-217 on file in the office of the City Clerk.)

Cherryhomes offered a Resolution directing the City Planning Department to undertake a comprehensive zoning study of the East Hennepin Study Area which was referred to the Zoning & Planning Committee.

RESOLUTION 97R-218

**By Rainville, Cherryhomes,
Dziedzic, Biernat, Niland,
Scott, Herron, Thurber,
McDonald, Mead,
Schulstad and Minn**

Honoring Edward R. Auld on the occasion of his 85th birthday.

Whereas, Edward R. Auld first played the bells of Minneapolis City Hall under the tutelage of his father on Labor Day 1924; and

Whereas, Mr. Auld has played the bells on a regular basis over the 73 years since then and was the sole carillonner here from 1968 to 1989; and

Whereas, Mr. Auld’s frequent appearances at the keyboard continue to be a source of enjoyment

for the denizens of the building and the entire community; and

Whereas, Mr. Auld’s performances often attract the attention of the news media, casting a positive spotlight on the happenings at City Hall; and

Whereas, Mr. Auld will celebrate his 85th birthday next week;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Council extends its wishes to Mr. Auld upon the occasion of his 85th birthday and commends him for his 73 years of bell playing at City Hall.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President of Council.

Approved July 31, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

UNFINISHED BUSINESS

Raze Building: Auth at 3430 1st Av S.
(Postponed 1/24/97, PS&RS)

Herron moved to continue postponement.
Seconded.

Adopted upon a voice vote.

Civilian Police Review Authority: Concur w/mayoral reappointment of Lucille Anderson.
(Postponed 7/11/97, PS&RS)

Biernat moved to continue postponement.
Seconded.

Adopted upon a voice vote.

Minn moved to delete his motion to renew notice of intent to discharge the Zoning & Planning Committee from further consideration of passage of an Ordinance relating to the Capital Long Range Improvement Committee. Seconded.

Adopted upon a voice vote.

CONSIDERATION OF MAYOR’S VETO

Mayor Sayles Belton returning with her veto a report passed by the Council June 27, 1997, relating to the Civilian Police Review Authority Executive Director position and transfer of direction of the CPRA to the City Coordinator’s office until completion of the redesign process, and stating her objections thereto.

No action was taken.

NEW BUSINESS

Biernat, McDonald and Minn were granted unanimous consent to introduce an Ordinance amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to **Offenses—Miscellaneous: Noise**, and said ordinance was given its first reading.

Biernat, McDonald and Minn were granted unanimous consent that said ordinance be given its second reading for amendment and passage.

ORDINANCE 97-Or-067

**By Biernat,
McDonald and Minn
Intro, 1st &
2nd Readings: 7/25/97**

**Amending Title 15, Chapter 389 of the
Minneapolis Code of Ordinances relating to
Offenses—Miscellaneous: Noise.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 389.60 (h) of the above-entitled ordinance be amended to read as follows:

389.60. What constitutes violation.

(h) No noise shall be prohibited or restricted under the authority of this section which substantially burdens a person's exercise of religion unless it is demonstrated that application of the burden to the person is:

(1) in furtherance of a compelling governmental interest.

(2) the least restrictive means of furthering that compelling governmental interest.

(3) consistent with Article I, Section 16 of the Minnesota Constitution.

Section 2. That Section 389.65 (b) (13) a. of the above-entitled ordinance be amended to read as follows:

389.65. Public nuisance noise.

(b) The characteristics and conditions which shall be considered in determining whether a noise is loud, disturbing, or excessive for the purposes of paragraph (a) of this section, shall include, but not be limited to the following:

(13) The nature of any communicative content of the noise shall not be considered, for the purpose of this section, except:

a. No noise shall be prohibited or restricted by this section which substantially burdens a person's exercise of religion unless it is demonstrated that application of the burden to the person is:

1. in furtherance of a compelling governmental interest.

2. the least restrictive means of furthering that compelling governmental interest.

3. consistent with Article I, Section 16 of the Minnesota Constitution.

Section 3. That Section 389.120 (b) of the above-entitled ordinance be amended to read as follows:

389.120. Penalties.

(b) If the order to cease or abate the noise is not complied with, or is complied with and then violated again within sixty (60) days, or if the violation charged is a violation of 389.65(c)(6), the person or persons responsible for the subject noise may be charged with violation of an appropriate section of this chapter with penalties as provided by section 1.30(a) of this code, **except as**

otherwise specifically provided in this chapter.

Each day such violation is committed or permitted to continue shall constitute a separate offense and may be punished separately.

Section 4. That Section 389.130 of the above-entitled ordinance be amended to read as follows:

389.130. Waiver of ordinance as applied.

Any person who claims that the application or threatened application of this chapter or any section of this code regulating the generation of noise to such person violates their right to freedom of speech, freedom of assembly, equal protection, or to the free exercise of their religion as secured by the Minnesota Constitution or United States Constitution, should promptly apply to the Director of Inspections for a waiver. Application shall be made to the Director on a form provided by the Director. The matter shall then be heard by the Director of Inspections or the Director's designee or referred to a hearing officer(s) as the Director may determine. After hearing the matter or receiving the report of the hearing officer(s), the Director or the Director's designee shall grant such waiver to the extent necessary to eliminate the violation if the Director or director's designee determines based on the reliable evidence submitted or on the report of the reliable evidence presented that application of the ordinance in such case would violate the applicant's right to freedom of speech, freedom of assembly, equal protection, or to the free exercise of the applicant's religion as secured by the Minnesota Constitution or United States Constitution, section 389.60 (g) or (h) of this chapter, or section 389.65 (b) (13) of this chapter.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Passed July 25, 1997. J. Cherryhomes, President
of Council.

Approved July 31, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Cherryhomes offered an ordinance amending
Title 21, Chapter 581 relating to **Interim
Ordinances: Moratorium on the establishment
or expansion of residential, commercial and
industrial uses in the East Hennepin Study
Area**, which was referred to the Zoning &
Planning Committee (Extending the moratorium 90
days).

Niland moved that when this Council adjourns,
it adjourns to July 29, 1997, at 10:00 a.m. and that
such meeting be and is hereby declared to be an
adjourned session of the regular meeting of July
25, 1997, to conduct any business deemed
necessary at that time, and that a closed Council
session shall be held to consider the Carter vs.
Gallagher lawsuit. Seconded.

Adopted. Yeas, 11; Nays none.

Absent – Schulstad, Campbell.

Adjourned.

MERRYKEEFE,
City Clerk.
97-7254